

Examiner-Initiated Interview Summary

Application No.

09/869,777

Applicant(s)

SMITH ET AL.

Examiner

Michael G. Hartley

Art Unit

1616

All Participants:(1) Michael G. Hartley.(2) Robert Resis (Appl. repr.).**Status of Application:** _____

(3) _____

(4) _____

Date of Interview: 1 November 2004**Time:** _____**Type of Interview:**☒ Telephonic☐ Video Conference☐ Personal (Copy given to: ☐ Applicant ☐ Applicant's representative)Exhibit Shown or Demonstrated: ☐ Yes ☐ No

If Yes, provide a brief description:

Part I.

Rejection(s) discussed:

None

Claims discussed:

all pending, especially, claims 58 and 101-103

Prior art documents discussed:

None

Part II.

SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:

See Continuation Sheet

Part III.

- ☒ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.
- ☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.


(Examiner/SPE Signature)_____
(Applicant/Applicant's Representative Signature – if appropriate)

Continuation of Substance of Interview including description of the general nature of what was discussed: The examiner called to suggest changing "diagnosing a disease" in claim 58 to "diagnosing cancer" to obviate the scope of enablement rejection under 112, first para., by limiting the claim to diagnosing cancer, i.e. by a radiodiagnostic procedure, rather than to diagnosis of any disease. Also, the examiner suggested canceling new claims 101-103 to avoid a potential restriction (i.e., withdrawn by original presentation), as these claims are drawn to different and distinct compounds as previously examined (e.g., in claim 3). Therefore, claims 101-103 will be canceled without prejudice. Changes to be made by examiner's amendment to provisionally place case in condition for allowance. .